

Remarks

Applicants request entry of the amendments and reexamination of the application.

Applicants have amended the specification to reflect the addition of reference numerals in the Figures, as requested by the Examiner. Amended Figures and Replacement Sheets accompany this Reply and Amendment. The amendment to the specification points out the arms or appendages, the torso, and the support structure, among other features, which are all obvious from the figures themselves.

In addition, applicants amend claims 1 and 7 to clarify that these claims encompass a doll figure or figure, and not a doll in combination with any particular eyeglasses. The Examiner requested such a clarification in the Office Action.

No new matter enters by these amendments.

Initially, applicants affirm the election of claims 1, 2, 6, 7, 8, and 12, with traverse. The Examiner has not shown that a serious burden exists in examining all the claims together. Without a serious burden, the Patent Office should not require restriction, irrespective of any allegation of multiple species. Applicants request withdrawal of the requirement for restriction and examination of all the pending claims.

Claims 1-2, 6, 7-8 and 12 stand rejected under 35 U.S.C. § 112, second paragraph, as they allegedly fail to particularly point out and distinctly claim the invention.

Applicants have amended claims 1 and 7 to more particularly point out the relationship between the doll figure or figure and the eyeglasses they are designed to support or receive. The amendments are clearly supported by the figures and the description in the specification. As shown in the Figures, for example in Figure 1, both of the arms contact the eyeglasses being held and the arms together with the body or torso form the holding device to hold the eyeglasses.

Claim 2 has been amended to add the term "doll figure" to be consistent with claim 1.

Claim 12 has been amended to delete the term "doll" to make it consistent with claim 7.

This rejection has been overcome and applicants respectfully request its withdrawal.

Claims 1,2, 6-8, and 12 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Aliosi (6,309,016). Applicants respectfully disagree. The description in Aliosi clearly and unambiguously refers to a piece of furniture (see col. 1, lines 43-48, and Figures 1-8). Applicants have amended claims 1 and 7, and the dependent claims thereon, which refer to a doll figure or figure that is capable of holding or supporting a pair of eyeglasses, where the arms or appendages each contact the eyeglasses. The size and shape of the "object holder" in Aliosi are clearly not capable of being positioned so that each "arm" can contact a pair of eyeglasses. The fact that Aliosi refers exclusively to furniture pieces and furniture pieces for holding multiple objects clearly indicates they cannot. Furthermore, the "object holder" aspects of the Aliosi figures are simply shelves or horizontal extending members to place any object upon. This does not anticipate applicants' eyeglass holding aspects of the claimed invention.

Accordingly, the Aliosi document cannot anticipate the claimed doll figure and figure of applicants' claims.

The application is in condition for allowance. Timely notification of allowability is requested.

If there are any fees due with the filing of this document, including fees for the net addition of claims, applicants respectfully request that any and all fees be charged to Deposit Account No. 50-1129. If any extension of time request or any petition is required for the entry of this paper or any of the accompanying papers, applicants hereby petition or request the extension necessary. The undersigned authorizes any fee payment from Deposit Account No. 50-1129.

Appl. No. 10/774,616
Reply to Office Action of June 30, 2004
Reply and Amendment dated September 30, 2004

Dated: September 30, 2004

Respectfully submitted,

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Amendments to the Drawings:

Replace all the drawing sheets and Figs. 1-10 with the Replacement Sheets accompanying this paper.